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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General**

1. On 6 December 1999, the General Assembly adopted, without a vote, resolution 54/87 on the question of Western Sahara. The Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned. The present report, which covers the period from 1 September 1999 to 31 August 2000, is submitted in pursuance of paragraph 11 of that resolution.

2. Pursuant to Security Council resolution 1238 (1999) of 14 May 1999, the Secretary-General submitted to the Council on 8 September 1999 a report (S/1999/954) in which he informed the Security Council that his Special Representative for Western Sahara, William E. Eagleton, had pursued consultations with the parties with a view to securing the continuation of the appeals process and the simultaneous identification of the remaining applicants from tribal groupings H41, H61 and J51/52, as well as preparatory work for the repatriation of refugees and other Saharans residing outside the Territory who were eligible to vote, together with their immediate families. The above-mentioned consultations resulted in the resumption, on 6 September 1999, of the identification operation which had been suspended by the Identification Commission since 24 July 1999.

3. As at 3 September 1999, a total of 47,796 appeals had been received by the United Nations Mission for the Referendum in Western Sahara (MINURSO), the majority of which (40,440) were against non-inclusion in the first part of the provisional list of persons eligible to vote which had been issued on 15 July 1999. Another 7,356 challenged another person's inclusion in the provisional list.

4. With respect to the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Secretary-General informed the Council that UNHCR had established its presence in the region. A UNHCR mission had visited Rabat on 24 and 25 August 1999 to discuss the draft plan of action on cross-border confidence-building measures. The Moroccan authorities had agreed in principle with the activities envisaged by UNHCR, which were aimed at fostering a climate of confidence within the Territory and the Tindouf refugee camps.

5. The Secretary-General informed the Council that Emmanuel Roucounas, Independent Jurist for Western Sahara since 10 May 1995, had indicated that, owing to other commitments, he would no longer be able to serve in that capacity. The Secretary-General expressed his personal appreciation and that of the United

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** This report covers the period from 1 September 1999 to 31 August 2000.

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Nations for Mr. Roucounas's outstanding contribution to the work of the United Nations.

6. Concluding his report, the Secretary-General observed that, while some delays had occurred, the continuation of the appeals process and the resumption of the identification operation on 6 September could be considered as positive indications that both Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y del Río de Oro (Frente POLISARIO) intended to maintain the progress made towards the holding of the referendum. However, the remaining tasks were still daunting as the number of appeals filed was substantial and would require more time and the deployment of a larger staff than originally envisaged. He recommended extension of the mandate of MINURSO until 14 December 1999 to allow for the completion of identification and for a comprehensive assessment of the steps taken towards the completion of the appeals process and towards preparations for repatriation and the start of the transitional period.

7. On 13 September 1999, the Security Council adopted resolution 1263 (1999) by which it decided to extend the mandate of MINURSO until 14 December 1999 in order to complete the identification of voters, to implement confidence-building measures, conclude all outstanding agreements needed to implement the settlement plan, and to continue with the appeals process. The resolution reaffirmed the rights of the applicants, with an expectation that the appeals process would not be turned into a second round of identification and requested the Secretary-General to report every 45 days on significant developments in the implementation of the settlement plan. The Secretary-General submitted a progress report (S/1999/1219) covering developments since the previous report dated 8 September 1999 (S/1999/954).

8. On 6 September 1999, MINURSO identification operations for individual applicants from tribal groupings H41, H61 and J51/52 resumed. According to MINURSO estimates, if the current pace of identification was maintained, with the cooperation of the parties, the identification of remaining applicants from the above three tribal groupings should be completed by the end of December 1999 or at the latest by mid-January 2000.

9. The Secretary-General informed the Security Council that, by the closing date for the submission of appeals on 18 September 1999, MINURSO had received 79,125 appeals. Preliminary analysis of the appeals had shown that the overwhelming majority of appeals filed (65,072) were against exclusion from the first part of the provisional list of persons eligible to vote, under article 9.1 (iii) of the appeals procedures (S/1999/483/Add.1). Almost all of these appellants intended to present one or two witnesses, whereas comparatively few produced documentary evidence. The appeals in the second largest group (14,053) were against inclusion, under article 9.2 of the appeals procedures, with the remainder alleging failure to meet the criteria for voter eligibility. Finally, some appeals were from applicants claiming not to have been convoked, some from persons claiming force majeure and some from persons included in the revised census list who had not been convoked for identification.

10. With regard to the work of UNHCR, the Secretary-General reported that UNHCR had held discussions with the Frente POLISARIO in the Tindouf area on 28 September 1999 regarding the draft plan of action on cross-border confidence-building measures. While agreeing in principle to the activities envisaged by UNHCR, the Frente POLISARIO had expressed the refugees' concerns over their safety and security during the implementation of these activities in the Territory, and over the time-frame proposed, adding that the confidence-building activities envisaged should be implemented only when guarantees regarding safety, security and freedom of movement and speech were in place in the Territory west of the berm. Although the refugees in the camps had welcomed the proposed confidence-building measures, their concerns regarding safety and security had also been noted by UNHCR during its pre-registration exercise in the camps. UNHCR had continued the pre-registration to ascertain the refugees' willingness to repatriate and to determine their final destinations in the Territory, with the vast majority continuing to express their desire to repatriate only in the Territory east of the berm due to fear for their safety if they returned west of the berm.

11. The Secretary-General recalled that the receipt of appeals had been completed and that, in exercising their rights, a very large number of applicants had submitted appeals. The more than 79,000 appeals received corresponded very closely to the number of persons omitted from the first part of the provisional list of potential voters issued on 15 July 1999, making it very likely that MINURSO would be confronted with a lengthy appeals process. This outcome could require

a thorough consideration of all relevant consequences relating to the application of the appeals procedures, including its implications to the timetable for holding the referendum. The Special Representative had been asked to consult further with the parties in this respect in order to be able to provide the Security Council, in December 1999, with a realistic assessment.

12. The Secretary-General expressed regret that the UNHCR draft plan of action on confidence-building measures had yet to be implemented. He stressed the importance of fostering a climate of trust and confidence between the parties as called for by the settlement plan and urged them both to cooperate fully with MINURSO and UNHCR for the immediate initiation of the confidence-building measures to which both parties had agreed in principle.

13. Pursuant to Security Council resolution 1263 (1999), the Secretary-General submitted to the Council on 6 December 1999 a report (S/1999/1219) wherein he informed the Council that, during the reporting period, his Special Representative had met with both parties and observer States and had been assured of the support by all concerned for the settlement plan. The President of Mauritania had expressed concern about the prospect of substantial delays, in the light of the large number of appeals, and had called for an early solution to the question of Western Sahara. The Secretary-General of the Frente POLISARIO and the Algerian authorities, while also expressing concern over the delays to the referendum caused by the large number of appeals already received and the prospects of more appeals from the second list, had maintained that a large number of appeals could be eliminated by adhering strictly to the admissibility provisions (see S/1999/483/Add.1). This would significantly reduce the time needed to complete the appeals process.

14. The Moroccan authorities, however, invoking Security Council resolution 1263 (1999), had reiterated that every applicant had the right to appeal and that admissibility requirements could be fulfilled by naming witnesses who would provide new information to support the appellants' inclusion in the voter list.

15. The Secretary-General informed the Security Council that the great majority of the appeals filed by almost all the applicants who, on the basis of their interviews, had not met the criteria for voter eligibility and had been therefore excluded from that list, had indicated the names of witnesses who purportedly would provide, at the appeals hearings, new facts in support of the appellants' claim for inclusion. The Identification Commission was constrained in the handling of the appeals by the parties' radically opposed interpretations of articles 9, paragraph 1 (iii) and 12 of the appeals procedures regarding grounds for appeals and admissibility of applications. In his consultations, the Special Representative had received no indication that either party would change its view on this issue. The Secretary-General warned that the second part of the provisional list, expected to be issued in mid-January 2000, could well evoke an equally high number of appeals.

16. On 23 November 1999, the Special Representative had been presented by the Secretary-General of the Frente POLISARIO with a list of 191 Moroccan prisoners of war (POWs) who had been freed on that day on humanitarian grounds, from among those taken prisoner during the 1975-1989 Western Sahara armed conflict. The list of POWs had been forwarded to the Government of Morocco and to the International Committee of the Red Cross (ICRC).

17. A UNHCR delegation led by the Assistant High Commissioner had visited the region from 20 to 24 November 1999 to ascertain UNHCR preparedness in the region. During the delegation's meetings with the parties, they had reiterated their agreement in principle to the draft plan of action for the cross-border confidence-building measures. However, while the refugees were eager to participate in these activities, they had continued to express concerns for their safety and security. Regarding the draft refugee repatriation protocol, already submitted to the parties, it was clear that, in the absence of a solution to the outstanding issues, UNHCR would not be in a position to finalize such a document with the parties.

18. The Secretary-General concluded that MINURSO could be faced with a lengthy process if it were to consider the appeals of tens of thousands of applicants. Under these circumstances, the prospect of holding the referendum within a reasonable period of time, instead of becoming closer, had become even more distant. The problems posed by the large number of appeals and the opposing positions taken by the parties on the issue of admissibility seemed to allow little possibility of holding the referendum before 2002 or even beyond. He appealed to both parties to cooperate with UNHCR and MINURSO for the initiation of confidence-building measures without further delay.

19. In the light of the foregoing, he recommended that the mandate of MINURSO should be extended until 29 February 2000 to allow time for the completion of identification, the issuance of the second provisional voter list and the initiation of appeals from applicants of tribal groupings H41, H61 and J51/52, thus giving a clearer picture of where matters stood on the appeals issue.

20. On 14 December 1999, the Security Council adopted resolution 1282 (1999) by which it extended the mandate of MINURSO until 29 February 2000 in order to complete the identification of voters, issue a second provisional voters list and initiate appeals for tribal groupings H41, H61, and J51/52. The Council welcomed the reiteration by the parties of their agreement in principle to the draft plan of action for cross-border confidence-building measures, and called on them to cooperate with UNHCR and MINURSO for the initiation of these measures without further delay. It took note of the concern that the problems posed by the number of candidates who had exercised their right of appeal and the opposing positions taken by the parties on the issue of admissibility seemed to allow little possibility of holding the referendum before 2002 or even beyond, and it supported the intention of the Secretary-General to instruct his Special Representative to continue his consultations with the parties. Taking note of the assessment by the Secretary-General, that difficulties could be encountered in reconciling the opposing views of the parties, it requested him to report before the end of the mandate on prospects for progress in implementing the settlement plan within a reasonable period of time.

21. Pursuant to Security Council resolution 1282 (1999) the Secretary-General submitted to the Council on 17 February 2000 a report (S/2000/131) in which he informed the Security Council that the Special Representative had pursued consultations with the parties in order to seek ways of moving the process forward, in particular with respect to the new round of appeals. Both parties maintained their already stated positions (paras. 14 and 15 of the present report). The identification of individual applicants from the H41, H61 and J51/52 tribal groupings, which had begun on 15 June 1999, had been completed on 30 December as scheduled, with 51,220 interviewed and 2,135 applicants found eligible to vote, bringing the total number of eligible applicants to 86,386. The second round of the appeal process had been launched on 17 January, when the second part of the provisional list of applicants eligible to vote had been communicated to the two parties.

22. Following the release of the second part of the provisional list on 17 January 2000, the Moroccan authorities had expressed surprise and dismay at the small number of applicants found to be eligible and emphasized the importance of an appeal process in which all Saharans rejected by the MINURSO Identification Commission would be given the opportunity to restate their case. At the same time, the Frente POLISARIO warned against any attempt to delay the referendum and called for the speedy implementation of the United Nations settlement plan (S/21360 and S/22464 and Corr.1) and expressed the view that, if the process was delayed much longer, the presence of MINURSO would become irrelevant and there could be a return to armed hostilities. During a visit to United Nations Headquarters on 7 February, the Secretary-General of the Frente POLISARIO had reiterated these concerns.

23. On 26 January 2000, the Government of Morocco informed ICRC in writing that it was prepared to receive all the Moroccan prisoners of war listed in the document presented by the Frente POLISARIO to the Special Representative on 23 November 1999.

24. The Secretary-General informed the Security Council that UNHCR had completed its pre-registration exercise, bringing the total number of refugees pre-registered since the exercise was initiated in August 1997 to 107,149.

25. Reporting on prospects for progress in implementing the settlement plan within a reasonable period of time, the Secretary-General recalled the main provisions of the plan (see S/21360, para. 47). He pointed out that the transitional period had been repeatedly postponed as a result of protracted delays in the preparatory work of MINURSO, caused essentially by differences between the parties, as well as disagreements with the United Nations, over the interpretation and implementation of key provisions of the settlement plan.

26. The Secretary-General recalled that, shortly after the establishment of MINURSO in April 1991, it had become clear that, notwithstanding the parties' earlier acceptance of the settlement plan, substantial differences remained. Following two unsuccessful rounds of consultations between the United Nations

and the two parties in 1991, the issue of the designation of locations for the confinement of Frente POLISARIO troops had been finally settled under the Houston accords of 1997 (see S/1997/742, annexes I-III), when the two parties, as well as Algeria and Mauritania, had agreed to a compromise formula put forward by the Personal Envoy (S/1997/742, annex II).

27. However, with respect to the return of Saharan refugees and the establishment of the electorate, some major issues had remained unresolved. The establishment of the electorate had been impeded throughout the 1990s by successive deadlocks over the identification of Saharans who would have the right to vote in the referendum. The Frente POLISARIO had maintained at the outset that, under the settlement plan, only the 74,000 people counted in the 1974 Spanish census of the Territory should take part in the referendum. Morocco, on the other hand, had held the opposite view, namely, that thousands of additional Saharans were equally qualified to vote, including those who were in the Territory at the time of the census but had not been counted, those who had fled to Morocco in previous years and those from regions that were formerly part of the Territory but were then returned by Spain to Morocco in the 1950s and 1960s (and were now part of southern Morocco).

28. Against that background, Secretary-General Javier Pérez de Cuéllar had established, in December 1991, a set of criteria for determining eligibility to vote in the referendum (S/23299, annex), with due regard to the persons counted in the 1974 census as well as to others, whether residing inside or outside the Territory, who claimed the right to vote on the grounds that they were Western Saharans and had been omitted from that census. The eligibility criteria, which included family and residential links to the Territory, had provoked considerable concern on the part of the Frente POLISARIO.

29. With a view to breaking the resulting deadlock, prolonged consultations had been held by the United Nations with the two parties on the interpretation and application of the voter eligibility criteria and on a compromise proposal to that effect put forward in June 1993 (S/26185, annex I). The deadlock was not broken until 1994, when both parties had agreed to proceed on the basis of the compromise proposal, albeit with serious reservations, in particular over provisions related to tribal links with the Territory and to documentary evidence or oral testimony in support of the applicants' claims. The subsequent launching of the simultaneous identification operations in Western Sahara and the Tindouf refugee camps in August 1994 constituted a significant step forward in the operation, which, already quite complex and painstaking in itself, had been beset with difficulties from the outset.

30. In June 1995, a Security Council mission to the region had impressed upon the parties the need to cooperate fully with MINURSO. The mission had also called upon Morocco to conduct a preliminary vetting of some 100,000 applications from persons residing outside the Territory to ensure the timely completion of the identification process (see S/1995/498). However, the Moroccan authorities were unwilling to initiate a preliminary vetting on the grounds that this might deny the right of authentic Saharans to apply for participation in the referendum and the Frente POLISARIO had suspended its participation in the identification process twice, protesting Morocco's position (S/1995/779, paras. 2 and 9). Despite repeated calls upon the parties by the Security Council and the Secretary-General to permit the process to advance more rapidly, their positions frustrated all such efforts, as both were reluctant to compromise on any issue that they believed would weaken their own position. By late 1995, the identification process had ground to a halt when the Frente POLISARIO decided that it would not participate in the identification of the three tribal groupings categorized in the 1974 census as H41, H61 and J51/52 (see S/1995/779).

31. Upon assuming office on 1 January 1997, the Secretary-General appointed Mr. James A. Baker III, a former Secretary of State of the United States of America, as his Personal Envoy for Western Sahara to reassess the feasibility of implementing the settlement plan (S/1997/166). During the ensuing four rounds of direct talks under the auspices of the Personal Envoy, agreement was reached by the parties on issues related to the identification process, among others (see S/1997/742, annexes I-III). These had included a compromise formula for identifying individual applicants from among some 65,000 members of tribal groupings H41, H61 and J51/52 whose links with the Territory were contested by the Frente POLISARIO, as well as a set of practical measures for the resumption of the identification process. Agreement had also been reached on a code of conduct to be observed during the referendum campaign, on a declaration by the parties relating to the authority of the United Nations during

the transitional period and on a compromise formula for the confinement of Frente POLISARIO troops. The parties had further reaffirmed their commitment to the provisions of the United Nations settlement plan for the return of refugees, as well as the release of prisoners of war and Saharan political detainees.

32. The Houston accords had paved the way for the resumption of the identification process in December 1997 which proceeded well at first. However, tensions between the parties soon arose again, and the process was mired by interruptions provoked by representatives of the two parties over perceived slights and accusations. Additional difficulties appeared when applicants belonging to the "contested" H41, H61 and J51/52 tribal groupings started presenting themselves for identification in large numbers. The Moroccan authorities maintained that all 65,000 applicants had the right to be identified, while the Frente POLISARIO remained opposed to the identification of any applicants from those groupings other than those listed in the 1974 census and their immediate families.

33. In order to break the deadlock, the United Nations presented to the parties a package of measures in October 1998, including protocols for the identification of individual applicants from the three groupings and, as a way of speeding up the process, the concurrent initiation of the appeals process for applicants identified between 1994 and 1998. A UNHCR draft protocol containing detailed provisions for the repatriation of Saharan refugees was submitted to the two parties and to Algeria and Mauritania in November 1998. During the Secretary-General's subsequent visit to the region in late 1998, the Frente POLISARIO formally accepted the proposed package, whereas the Moroccan authorities expressed concern over the simultaneous implementation of the appeal and identification procedures. Following prolonged consultations between the parties and MINURSO as well as the Secretariat, a set of operational directives for the implementation of the identification and appeal protocols had been developed, addressing some of the parties' concerns (S/1999/483/Add.1). Finally, in April and May 1999, the parties formally accepted the protocols and operational directives, albeit with reservations and misgivings for opposite reasons (S/1999/554 and S/1999/555). With the issuance of the first part of the provisional voter list on 15 July 1999, the appeal process was eventually launched.

34. Concluding his report, the Secretary-General observed that nine years since the establishment of MINURSO with the aim of holding a referendum of self-determination in Western Sahara, it had not been possible to implement in full any of the main provisions of the United Nations settlement plan, with the exception of the monitoring of the ceasefire. Judging from the difficulties and delays encountered by MINURSO in the identification process from the outset, including the establishment of the criteria for voter eligibility, the two parties seemed to share the belief that the composition of the electoral body would predetermine the outcome of the referendum and at different times, one or the other party had withheld cooperation with the MINURSO identification procedures, in the belief that they might eventually favourably skew the composition of the electorate.

35. The Secretary-General observed that it was likely that the same underlying concerns would pervade the appeal process as well. With already 79,000 appeals from the first part of the provisional voter list, MINURSO faced the prospect of receiving as many as 60,000 additional appeals from the second part of the list. The respective positions of the two parties did not augur well for an early resolution of the issue of admissibility of appeals for hearings. Under those circumstances, the timetable envisaged was no longer valid, and the date for the referendum, which had been repeatedly postponed since 1991, could still not be set with certainty at that juncture.

36. Apart from the hearing of all appeals, which could take a long time, other questions still needed to be settled with the parties before a referendum could be held. Those included such complex and sensitive issues as a protocol for the repatriation of Saharan refugees acceptable to all parties concerned, and agreement on what would constitute appropriate security conditions for voting in the Territory. Experience had shown that each time the United Nations had proposed a technical solution to bridge the parties' differing interpretation of a given provision of the settlement plan, a new difficulty, requiring yet another round of protracted consultations, arose.

37. The Secretary-General added that the developments during the past nine years, and particularly over the recent months, constituted a real source of concern and raised doubts about the possibility of achieving a smooth and consensual implementation of the settlement plan and agreements

adopted by the parties despite the support given by the international community. Furthermore, even assuming that a referendum were held pursuant to the settlement plan and agreements of the parties, if the results were not to be recognized and accepted by one party, there was no mechanism in the settlement plan to enforce those results.

38. The Secretary-General informed the Security Council that he intended to ask his Personal Envoy to consult with the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute, which would define their respective rights and obligations in Western Sahara. To give adequate time for these consultations, he recommended that the Security Council extend the mandate of MINURSO until 31 May 2000.

39. On 29 February 2000, the Security Council adopted resolution 1292 (2000) by which it decided to extend the mandate of MINURSO until 31 May 2000 and supported the intention of the Secretary-General to ask his Personal Envoy to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute.

40. Pursuant to that resolution, the Secretary-General informed the Security Council that his Personal Envoy had undertaken a visit to the region from 8 to 11 April 2000, for preliminary discussions with the two parties and the two neighbouring countries (see S/2000/461). In Algiers, Mr. Baker had been received by the Minister of State, Minister of Justice of Algeria, Ahmed Ouyahia, and also met with the Prime Minister and other senior Algerian government officials. In the Tindouf area, the Personal Envoy had met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz and the Frente POLISARIO leadership. Mr. Baker had also met with the head of the observer delegation of OAU to MINURSO, Yilma Tadesse.

41. In Rabat, the Personal Envoy had been received by King Mohammed VI, and had met with Crown Prince Moulay Rachid, the Prime Minister and other senior Moroccan government officials. Owing to illness, the Personal Envoy had not been able to visit Nouakchott, but had discussed his mission with the President of the Islamic Republic of Mauritania, Maaouya Ould Sid' Ahmed Taya, on the telephone.

42. On his return from the region, the Personal Envoy had undertaken consultations with the Spanish and the French authorities in Madrid and in Paris respectively. The Secretary-General expressed his appreciation to the Government of Spain, whose decision to make an aircraft available had greatly facilitated the visit of the Personal Envoy to the region.

43. Following his preliminary contacts in the region, the Personal Envoy had advised the Secretary-General that it would be necessary to convene a meeting between the parties in order to consider the problems in implementing the United Nations settlement plan (S/21360 and S/22464 and Corr.1) and the Houston agreements (S/1997/742, annexes I-III), as well as other possible approaches. Concurring fully with those views, the Secretary-General had invited the parties to hold high-level, face-to-face discussions in London on 14 May 2000, under the auspices of his Personal Envoy. In his letters of invitation to the parties, the Secretary-General had specified that the discussions would be private and that, as had been the case in the direct talks held under the auspices of the Personal Envoy in 1997, no issue would be considered as finally agreed until every outstanding issue had been agreed. In similar letters, the Secretary-General had also invited the two neighbouring countries, Algeria and Mauritania, to attend the London meeting as observers.

44. The meeting had been held in London on 14 May 2000 as planned, with the parties meeting in face-to-face discussions for the first time since the 1997 direct talks. Algeria and Mauritania had sent observer delegations to the meeting.

45. The Secretary-General informed the Security Council that there had been a frank exchange of views during the discussions. The meeting had been inconclusive, however, and the Personal Envoy had called on the parties to come forward at a further meeting which could be held in June, with concrete solutions to the multiple problems of the settlement plan that the parties could agree to, or else, be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

46. By 25 February 2000, MINURSO had received a total of 54,889 appeals from the second part of the provisional voter list, the overwhelming majority of which (53,327) were against exclusion from the provisional voter list, while most of the remaining

1,562 appeals were challenges against the inclusion of applicants in the second provisional voter list for voter eligibility. Together with the 79,000 appeals already received, this brought the total to more than 130,000.

47. Thanking Mr. Baker for pursuing his efforts with the parties, the Secretary-General recalled that, during Mr. Baker's consultations in the region from 8 to 11 April 2000 and in London on 14 May, the Personal Envoy had stressed that the implementation of the settlement plan had been impeded year after year by fundamental differences between the parties over the interpretation of its main provisions, and that the prospects for holding the referendum were as distant as ever.

48. During the meeting in London, the views expressed by the two parties had only served to reinforce the United Nations assessment of their widely divergent positions as neither side had offered any constructive suggestions on the way forward. Under such circumstances, the Personal Envoy had asked the parties to bring, to a further meeting which could be held in June 2000, specific solutions that could be agreed to, in order to resolve all outstanding settlement plan issues, or be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

49. Concluding, the Secretary-General expressed strong hope that, as requested by the Personal Envoy, the parties would offer specific and concrete solutions to the multiple problems relating to the implementation of the settlement plan that could be agreed to. Alternatively, the parties should be prepared to consider other ways of achieving an early, durable and agreed resolution of their dispute over Western Sahara. He recommended that the Security Council extend the mandate of MINURSO until 31 July 2000.

50. On 31 May 2000, the Security Council adopted resolution 1301 (2000) by which it extended the mandate of MINURSO until 31 July 2000, with the expectation that the parties would offer to the Secretary-General's Personal Envoy specific and concrete proposals that could be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara.

51. Pursuant to Security Council resolution 1031 (2000), the Secretary-General submitted a report to the Council on 12 July 2000 (S/2000/683). The Secretary-General informed the Security Council that, pursuant to the provisions of that resolution, the parties had been invited to meet in London, on 28 June 2000, under the auspices of his Personal Envoy and under the same conditions as those during the meeting held in May. The two neighbouring countries, Algeria and Mauritania, had also been invited to attend the London meeting as observers.

52. During the meeting, there had been a frank and full exchange of views. Each party had been asked by the Personal Envoy to present its proposals. The Frente POLISARIO had identified two areas of difficulty: the conduct of the appeals process and the repatriation of refugees. It had reiterated its willingness and availability to cooperate with the United Nations to resolve all problems encountered in the implementation of the settlement plan and to examine any proposals by the United Nations aimed at launching the appeals process. The Frente POLISARIO had reconfirmed its commitment to continue its cooperation with UNHCR in carrying out the mission of UNHCR according to normal practices and principles concerning repatriation, and it reaffirmed its commitment to implementing the confidence-building measures proposed by UNHCR and its attachment to the settlement plan and the Houston agreements. It reiterated its promise to respect the results of the referendum of self-determination for the people of Western Sahara with the hope that Morocco would do the same and stressed that it would be up to the Security Council to take the necessary measures to ensure respect for the referendum's results.

53. Morocco had identified four areas which in its view were impeding the implementation of the settlement plan, namely, the conduct of the appeals process, the reinstatement of some 7,000 applicants in the voting lists since, in Morocco's view, their exclusion from the voting lists after they had originally been included was contrary to the settlement plan, the repatriation of Saharan refugees and the issue of Saharans who had reached voting age by 31 December 1993 but who had not participated in the identification process. In Morocco's view, those individuals should be identified or at least permitted to lodge appeals in order to allow all Saharans to participate in the referendum, adding that Morocco would not take part in a referendum where any Saharan who might be entitled to vote was not allowed to do so, as the right to

self-determination meant the right of all Saharans to decide their fate.

54. In the appeals process, Morocco had identified two areas of concern to it. The question of admissibility, which in Morocco's view should be limited to a procedural review with the appeals forwarded to the Appeals Chamber for a proper hearing, and the issue of the concurrent testimony by two sheikhs, which Morocco found unacceptable since it felt that it would be prejudicial to its applicants as it had been during the identification process. Morocco would not accept to submit testimony by new witnesses to the POLISARIO sheikhs during the appeals process.

55. Concerning the repatriation of refugees, Morocco had felt that UNHCR should ascertain the real wishes of every refugee to return and had pointed out that for security, economic and political reasons, the repatriation could not take place east of the berm. Morocco had also reiterated its willingness to cooperate with UNHCR in implementing the confidence-building measures and felt that the repatriation should be completed before the end of 2000. Morocco had promised to support all efforts by the United Nations to address the injustices that, in its view, had been perpetrated against thousands of authentic Saharans and to remain a true partner in the search for a definitive solution to the question of Western Sahara.

56. The Secretary-General had pointed out that, during the meeting, there had not been any specific proposals from either party that both parties could agree to in order to resolve the multiple problems of the settlement plan.

57. Further to the areas of difficulty highlighted by the parties, the Personal Envoy had added that, in his view, the issues of enforcement of the results of the referendum, prisoners of war and Saharan political detainees were yet to be resolved, as were possible problems related to the implementation of the code of conduct for the referendum campaign, which had yet to be tested. He had also expressed concern that the parties had so far failed to negotiate their problems, as there still existed a high level of animosity between them. Neither party had shown any disposition to depart from the "winner take all" mentality and neither party appeared willing to discuss political solutions in which each would get some, but not all, of what it wanted and would allow the other side to do the same. After asking each party for concrete proposals to bridge their differences and receiving none, the Personal Envoy had expressed the view that the meeting, instead of resolving problems, had in fact moved things backwards.

58. Mr. Baker appealed to the parties that there should be no return to violence or war, even though there appeared to be no imminent solution. He asked them to think about meeting again in order to consider a political solution, explaining that a political solution could be one of a number of things. It could be a negotiated agreement for full integration of Western Sahara with Morocco, or it could be a negotiated agreement for full independence although in his view, neither prospect appeared likely. In addition, a negotiated agreement could bring a solution for something in between those two results. And finally, a political solution could be an agreement permitting a successful implementation of the settlement plan. He reiterated to the parties that, by agreeing to discuss a political solution other than the settlement plan, they would not prejudice their positions as, according to the rules of the consultations, nothing would be agreed to until everything had been agreed to.

59. The Personal Envoy then asked the parties to participate in expert-level meetings in Geneva to address the questions of the appeals process, prisoners of war and refugees under the auspices of the Special Representative, and the Deputy to the Personal Envoy. The Secretary-General expressed his appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for having hosted those direct talks, for the second time.

60. The Secretary-General also expressed his appreciation for the close cooperation extended to MINURSO by the observer delegation of OAU led by Ambassador Yilma Tadesse in support of the settlement plan.

61. The Secretary-General informed the Security Council that, during the reporting period, consultations had continued between UNHCR and the parties and it had been noted that certain activities, such as confidence-building measures, could only start after the parties and the refugees had agreed to the modalities for implementing those measures.

62. The Secretary-General pointed out that the second London meeting, instead of making progress, had moved things backwards. After stating their

already known respective positions, neither party had appeared willing to offer any concrete proposals to bridge the differences between them. Nor had they appeared disposed to put aside their mutual animosity and even begin to negotiate a political solution that would resolve their dispute over Western Sahara.

63. Concluding the rather bleak assessment of the current situation, the Secretary-General suggested that the Security Council reflect on the problem of ensuring that the results of the referendum, were one to be held, would be respected by the parties. As the Personal Envoy had pointed out to the parties during the recent London meeting and as the Secretary-General himself had already stated in his report dated 17 February 2000 (S/2000/131), there was no enforcement mechanism envisioned by the settlement plan, nor was one likely to be proposed, calling for the use of military means to effect enforcement.

64. He expected his Personal Envoy to meet again with the parties, in the presence of the observer States, in order to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon any other political solution to their dispute over Western Sahara. In the meantime, he recommended that the Security Council extend the mandate of MINURSO until 31 October 2000.

65. On 25 July 2000, the Security Council adopted resolution 1309 (2000) by which it extended the mandate of MINURSO until 31 October 2000, with the expectation that the parties would meet in direct talks under the auspices of the Secretary-General's Personal Envoy to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.